

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:

THE D&M CAPITAL GROUP, LLC,

Debtor.

Chapter 7

Case No. 19-11711(SCC)

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THE D&M CAPITAL GROUP, LLC,

Plaintiff,

Adv. Pro. No. 19-01300 (SCC)

-against-

ESSEX GLOBAL TRADING, LLC, ALEKS PAUL,
and "JOHN DOES," said names being fictitious and
unknown,

Defendants,

-and-

RADWAN DIAMOND & JEWELLERY TRADING,
ULTIMATE DIAMOND CO., S.B. DIAMOND CORP.,
PALAWAN HOLDINGS LIMITED, and
GEMCUT S.A.,

Nominal Defendants.

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ESSEX GLOBAL TRADING, INC.

Third-Party Plaintiff,

-against-

MOTY SPECTOR,

Third-Party Defendant.

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**STIPULATION EXTENDING TIME FOR S.B. DIAMOND CORP. TO ANSWER,
MOVE, OR OTHERWISE RESPOND TO THE D&M AMENDED COMPLAINT**

This Stipulation is made and entered into by and between Alan Nisselson, Chapter 7 Trustee (“Trustee”) for The D&M Capital Group, LLC (“D&M”), the Plaintiff in the above-captioned adversary proceeding (the “D&M Action”), and S.B. Diamond Corp. (“S.B.” and, with Trustee and D&M, the “Parties”), a Nominal Defendant in the D&M Action.

WHEREAS, on August 6, 2019, the Plaintiff filed an amended complaint (the “D&M Amended Complaint”) in the D&M Action; and

WHEREAS, on August 8, 2019, the Clerk of the Court issued an amended summons in the D&M Action; and

WHEREAS, on August 15, 2019, S.B. filed a complaint (the “S.B. Complaint”) commencing a separate adversary proceeding against D&M and Essex Global Trading, LLC under the adversary proceeding number 19-01332 (SCC) (the “S.B. Action”), which is pending before this Court; and

WHEREAS, also on August 15, 2019, the Clerk of the Court issued a summons in the S.B. Action; and

WHEREAS, on or about September 6, 2019, October 10, 2019, November 11, 2019, December 11, 2019, January 16, 2020, February 25, 2020, March 25, 2020, May 10, 2020, June 9, 2020, July 17, 2020, August 20, 2020, September 28, 2020, and October 23, 2020 the Parties entered into reciprocal stipulations extending the time for each to answer, move, or otherwise respond to each other’s complaints (the “Prior Stipulations”); and

WHEREAS, pursuant to the Prior Stipulations, the time for S.B to answer, move, or otherwise respond to the D&M Amended Complaint will expire on January 29, 2021, and the time for the Trustee to answer, move, or otherwise respond to the S.B. Complaint will expire on January 29, 2021; and

WHEREAS, by court order dated August 11, 2020 the D&M Chapter 11 bankruptcy proceeding was converted to a Chapter 7 proceeding and on same date the Trustee was appointed as interim trustee for said proceeding; and

WHEREAS, the Parties have agreed to extend the deadlines for responses set forth in the Prior Stipulations and above paragraphs.

IT IS HEREBY STIPULATED BY THE PARTIES THAT:

1. The deadline for S.B. to answer, move, or otherwise respond to the D&M Amended Complaint is April 29, 2021.

2. The deadline for the Trustee to answer, move, or otherwise respond to the S.B. Complaint is April 29, 2021.

3. Notwithstanding this Stipulation, all rights, claims, and defenses of each of the Parties are expressly reserved.

4. This Stipulation may be executed by means of delivery of signature(s) by facsimile or e-mail, and any signature(s) delivered by facsimile or e-mail shall be of the same effect as any original signature(s).

Dated: January 14, 2021

MORRISON COHEN LLP

By: /s/ David J. Kozlowski

Christopher Milito
David J. Kozlowski
Mark S. Jarashow
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Counsel for S.B. Diamond Corp.

**WINDELS MARX LANE &
MITTENDORF, LLP**

By: /s/ Alan Nisselson

Alan Nisselson, Chapter 7 Trustee
Leslie S. Barr
156 West 56th Street
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*Counsel for Alan Nisselson, Chapter 7
Trustee for The D&M Capital Group, LLC*